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TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**ATTENTION:**

In re Application of :

**BOX: MISSING PARTS**

Thomas NOSKER et al.

Group Art Unit 3617

Serial No.: 09/985,937

Examiner: Unassigned

Filed: November 6, 2001

For: ENGINEERED RAILROAD TIES

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

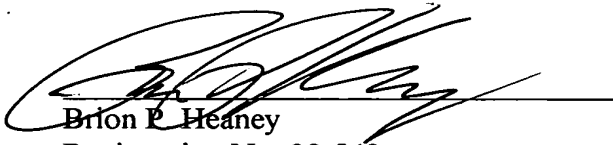
In response to the Notice to File Missing Parts dated November 27, 2001:

- ☒ Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of \$65.00
- ☒ Applicant(s) include the filing fee of \$370.00.
- ☒ Applicant(s) include the extra claims fee of \$ 45.00 for 5 claims in excess of 20, \$9.00 per additional claim.
- ☒ Applicant(s) include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. 23116).
- ☒ Attached is a copy of the Notice to File Missing Parts.
- ☐ Applicant(s) request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of one/two/three/four/five month(s) along with the fee of \$110.00/\$400.00/\$920.00/\$1440.00/\$1960.00.
- ☒ Applicant(s) are entitled to small entity status.
- ☐ Attached is a verified English translation of the language text filed on along with the fee of \$130.00.
- ☐ Applicant(s) provide the title of the invention/inventor(s) name(s) and address(es) on the attached provisional application cover sheet along with the \$50/\$25 surcharge.
- ☐ Attached is the Sequence Disclosure as required.

- ☐ Attached is the Substitute Specification as required.
- ☐ Attached are the substitute drawings as required.
- ☐ Attached is an English translation of the application.

Attached is a check in the amount of \$ 480.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

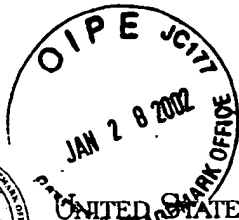


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Attorney Docket No.: POLY-2

Date: January 28, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/985,937	11/06/2001	Thomas Nosker	POLY 2

CONFIRMATION NO. 4212

23599  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

## FORMALITIES LETTER



\*OC00000007124682\*

Date Mailed: 11/27/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27). \$370.00*
- Total additional claim fee(s) for this application is \$90.  
▪ \$90 for 5 total claims over 20. \$45.00
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$960.480.00

*A copy of this notice **MUST** be returned with the reply.*

H.T.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

01/30/2002 USBRNE 00000023 09985937

01 FD:201  
02 FD:205  
03 FD:205

370.00 OP  
65.00 OP  
45.00 OP